



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,149	01/19/2007	Mario Huesca	13198.0007U1	8922
23850	7590	01/08/2010		
Ballard Spahr LLP SUITE 1000 999 PEACHTREE STREET ATLANTA, GA 30309-3915				
EXAMINER				
KLINKEL, KORTNEY L.				
ART UNIT		PAPER NUMBER		
1611				
MAIL DATE		DELIVERY MODE		
01/08/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/579,149

Applicant(s)

HUESCA ET AL.

Examiner

Kortney L. Klinkel

Art Unit

1611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-45 is/are pending in the application.
- 4a) Of the above claim(s) 23,28-38 and 44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 2,21,22,24,39-43 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 11/6/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

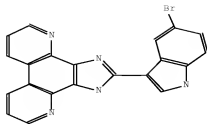
DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/6/2009 has been entered.

Claims 21, 26 and 37 were amended. Claims 40-45 were newly added. Claims 1-20 stand canceled. Claims 21-45 are pending. Claims 23 and 28-38 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected subject matter. Newly added claim 44 which requires R10 to be lower alkyl, substituted lower alkyl, alkoxy, acyl or $-\text{SO}_2\text{PhCH}_3$ is also withdrawn from further consideration as it is not generic to the elected species namely the compound of claim 39 wherein R10 is H. Claims 21-22, 24-27, 39-43 and 45 are currently under consideration to the extent that they read on the elected species, namely the compound of claim 39. Please note also that examination of all 112 1st issues such as enablement and written description, of the claims have been limited to the elected species only.

Please note that in searching for the elected species, the compound of claim 38, the Examiner found art which reads on the broader scope of compounds claimed. In an effort to expedite prosecution, this art has been applied. Accordingly, the elected species has been expanded to include the following species:



Claims 21-22, 24-27, 39-43 and 45 have been examined to the extent that they read on the elected species, the compound of claim 38 and the above brominated species.

Priority

The following was originally stated in the Office action dated 12/8/2008 and is restated here for convenience:

Acknowledgement is made that the instant application is a 371 of PCT/IB04/52433 filed 11/15/2004, which claims benefit of 60/520279 filed 11/14/2003 and claims benefit of 60/599509 filed 8/6/2004. Note is made that the elected species, compound 90, page 38 of the specification, also the compound of instant claim 39, has support back to the earliest filed provisional application, 60/520279 filed 11/14/2003.

Information Disclosure Statement

Acknowledgement is made of applicant's submitting an information disclosure statement on 11/6/2009. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 21-22, 24-25, 27, and 40-43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 was amended to add alkoxy to the list of substituents possible for R10. There is no support for this amendment. Applicant points to page 20 lines 5-11 for support. However, page 20 is not directed to a compound of instantly claimed formula (IV), but is rather directed to the much more generic formula (I). Pages 6-7 lay out the definitions possible for a compound of formula (VI), and nowhere does it state that R10 can be alkoxy. As such there is no support for the amendment to add alkoxy to the list of possible substituents R10.

Claim Rejections - 35 USC § 102

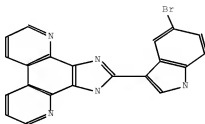
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-22, 24-27, 39-43 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Dora et al. ("Synthesis of Some Fused 2-Arylimidazoles and their Derivatives" J. Indian Chem. Soc. LVI, 1979, 620-624).

Dora et al. teaches the following compound, see compound IV I and the discussion immediately preceding Table 1:



This compound is the result of reacting a compound of formula IV (p. 620) with 5-bromo indole-3-carboxylic aldehyde (see "I" at the bottom of Table 1) in a simple condensation reaction.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

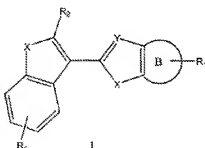
1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 21-22, 24-27, 39-43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bannister et al. (WO 2000/78761).

Bannister teaches compounds of the following general formula which have utility as antibacterial/antiinfective agents.



Wherein X can be NH, Y can be N, R_2 can be Me, R_1 need not be present and B can be a polycyclic cycloalkyl or heteroaryl, or heterocyclic rings *inter alia* (page 18, also claims 1-20, particularly claim 2 and 7-10 wherein B is a fused aromatic or heteroaromatic

ring). Pages 10-11 of the disclosure further define the term heterocyclyl or heterocyclic group to mean phenanthroline.

Bannister teaches several examples wherein R_2 is Me, X is NH, Y is N and R_1 is absent. Bannister fails to teach a specific embodiment wherein B is phenanthroline. However, phenanthroline is suggested as a possible B ring from a finite number of possible combinations. Whereas it is true that such "picking and choosing" within several variables does not necessarily give rise to anticipation, it must be remembered that "[w]hen a patent simply arranges old elements with each performing the same function it had been known to perform and yields no more than one would expect from such an arrangement, the combination is obvious". *KSR v. Teleflex*, 127 S.Ct. 1727, 1740 (2007) (quoting *Sakraida v. A.G. Pro*, 425 U.S. 273, 282 (1976)). "[W]hen the question is whether a patent claiming the combination of elements of prior art is obvious", the relevant question is "whether the improvement is more than the predictable use of prior art elements according to their established functions." (*Id.*). Addressing the issue of obviousness, the Supreme Court noted that the analysis under 35 USC 103 "need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ." *KSR v. Teleflex*, 127 S.Ct. 1727, 1741 (2007). The Court emphasized that "[a] person of ordinary skill is...a person of ordinary creativity, not an automaton." *Id.* at 1742. Consistent with this reasoning, it would have obvious to have arrived at the instantly claimed compounds and specifically the elected species, which is the compound of claim 39 having a fused phenanthroline

ring, as compounds having this functionality were suggested by Bannister as a possible option. From the teachings of Bannister, it would have been obvious to one of ordinary skill in the art at the time of the instant invention, to arrive at the elected species with a reasonable expectation that the resulting compound would have utility as an antibacterial/antiinfective agent. One would have been motivated to do so because the elected compound is suggested from a finite number of possible combinations. The indiscriminate selection of "some" among "many" is *prima facie* obvious. See *In re Lemin*, 141 USPQ 814 (1964). The motivation to make the claimed compounds derives from the expectation that structurally similar compounds would possess similar activity.

Response to Arguments

Applicant's arguments filed 11/6/2009 in response to the rejection of claims over Bannister have been fully considered, but are not persuasive.

Applicant argues that the Examiner failed to present a *prima facie* case of obviousness. Applicant argues that the Examiner failed to identify a known lead compound and that the Examiner therefore also failed to provide the reasoning that would lead one of ordinary skill in the art to modify the lead compound in a way that would have resulted in the claimed compounds. Applicant points to *Takeda Chem. Indus., Ltd. v. Aphapharm Pty., Ltd.*, 492 F.3d 1350, 1357 (Fed. Cir. 2007) for support of these requirements. These arguments are not persuasive.

The Examiner followed Applicant's suggestion and considered the *Takeda* case referenced above. *Takeda* does say that reasons need to be provided to make the specific modifications to a prior art chemical structure needed to reach the claimed

compound, but it does not require a lead compound be identified. Additionally, the *Takeda* case dealt with methods of treatment with the compounds at issue whereas the instant claims, as elected, are directed to simply compounds.

Applicant also argues that the choosing of the various variables was done without explanation. Applicant also argues that "even taking into consideration the Examiner's assertion the Bannister teaches a subgenus in which B is a fused aromatic or heteroaromatic ring, it is hard to contemplate an answer to such questions without also considering Applicants' own application, which would of course be improper hindsight reasoning." Applicant uses an analogy to a map and states that the reasons the Examiner provided for making the claimed compounds "is like trying to explain how to get to a point on a map without specifying a starting point. The Examiner has just said that it is obvious to go to point "A" because it is possible, without stating from where and why. These arguments are not persuasive.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Further, to use Applicant's map analogy—one would start at formula (I) of Bannister, not a vacuum or void as suggested by applicant. As addressed in the above

rejection one would choose R1, R2, X, Y and B to be H, Me, NH, N and phenanthroline because these variables are suggested from a finite list of possible options, as addressed further below.

Applicant's attention is directed to claims 2, as well as 7-10 (see also specification pages 19-20) which are directed to compounds of formula (I) having a fused aromatic or heteroaromatic ring. This subgenus is much smaller than the genus of "fused rings" to which applicant's arguments are directed. Pages 10 and 11 are directed to the specific examples encompassed by fused aromatic and heteroaromatic ring systems. Of the finite number of possible options, phenanthroline is listed as a possible option on page 11. Whereas it is true that such "picking and choosing" within several variables does not necessarily give rise to anticipation, it must be remembered that "[w]hen a patent simply arranges old elements with each performing the same function it had been known to perform and yields no more than one would expect from such an arrangement, the combination is obvious". *KSR v. Teleflex*, 127 S.Ct. 1727, 1740 (2007) (quoting *Sakraida v. A.G. Pro*, 425 U.S. 273, 282 (1976)). "[W]hen the question is whether a patent claiming the combination of elements of prior art is obvious", the relevant question is "whether the improvement is more than the predictable use of prior art elements according to their established functions." (*Id.*). Addressing the issue of obviousness, the Supreme Court noted that the analysis under 35 USC 103 "need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ." *KSR v. Teleflex*, 127 S.Ct.

1727, 1741 (2007). The Court emphasized that "[a] person of ordinary skill is...a person of ordinary creativity, not an automaton." Id. at 1742. Consistent with this reasoning, it would have obvious to have arrived at the instantly claimed compounds and specifically the elected species, which is the compound of claim 39 having a fused phenanthroline ring, as compounds having this functionality were suggested by Bannister as a possible option. From the teachings of Bannister, the ordinarily skilled artisan could have arrived at the elected compound of the instant invention with a reasonable expectation of success. Applicant has not provided evidence to the contrary.

Applicant also argues that the statement "when a patent simply arranges old elements with each performing the same function it had been known to perform and yields no more than one would expect from such an arrangement, the combination is obvious." Applicant claims that "[t]his statement is quite surprising. It is erroneous to contend that substituents on a molecule are mere "old elements" that one can simply stick on at a whim and with every expectation of success. If this statement were true, then every chemical compound that has or will be made is obvious—a chemist could be said to pick from "old elements," a methyl group here with a heterocycle there, perhaps add a hydroxyl group, stick them all together and obtain "no more than one would expect from such an arrangement." Applicant takes this argument further by conveying that the Examiner has an unreasonable definition of success. Applicant states that "[i]t appears that the definition of success used in the rejection is that the compound can be made, without regard to any purpose or utility." Applicant argues that a meaningful success would have to take account of the established purpose of the described

compounds in Bannister (i.e. as antimicrobial agents) and that the presently claimed compounds a meaningful success must take account of the established purpose of the compounds which is as anti-cancer agents, a purpose neither taught nor suggested by Bannister. These arguments are not persuasive.

The Applicant's arguments are overly dramatic and take the Examiner's comments out of context. The Applicant's arguments may be true if one were working with a vacuum and had nothing to go off in order to arrive at the instantly claimed compound. However, such is not the case. Here, Bannister teaches compounds of formula I which encompass the elected species and which have a finite number of possible substituent definitions. Additionally, Bannister teaches at page 17, lines 15-23:

Contemplated equivalents of the compounds described above include compounds which otherwise correspond thereto, and which have the same general properties thereof (e.g., functioning as analgesics), wherein one or more simple variations of substituents are made which do not adversely affect the efficacy of the compound in binding to opioid receptors. In general, the compounds of the present invention may be prepared by the methods illustrated in the general reaction schemes as, for example, described below, or by modifications thereof, using readily available starting materials, reagents and conventional synthesis procedures. In these reactions, it is also possible to make use of variants which are in themselves known, but are not mentioned here.

Page 48 describes a detailed synthetic procedure for preparing the compounds. As discussed at page 17, arriving at the elected species would merely require the judicious selection of a phenanthroline-based diamine (B) and the appropriate indol-aldehyde (A). As the instantly claimed elected species does not contain any functionality that would interfere with this simple condensation reaction, one of ordinary skill in the chemical arts

would be expected to synthesize the elected species with little trouble.

The compounds of Bannister have utility as antibacterial/antiinfective agents. Accordingly, one would expect the elected species to have utility as an antimicrobial agent. Again applicant is reminded that their claims are all directed to compounds with the exception of claim 27 which is directed to a pharmaceutical composition comprising the compound of claim 21. The intended ultimate use of a compound must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In the instant situation, there is nothing from the disclosure of Bannister which would prevent the compounds taught therein from being used as anti-cancer agents. In fact, page 3 of Bannister line 31 teaches that the disclosed compounds can be incorporated into pharmaceutical preparations for inhibiting the growth of bacterial microorganisms. The instant claims are directed to compounds which the teachings of Bannister make obvious. Applicant has not provided evidence to rebut this *prima facie* case of obviousness.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29

USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 21-22, 24-27, 39-43 and 45 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 25-26, 42-43, 45, 74, 79, 81, 83, 87, 89, 91, 93, 95, 98-99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, and 153 of copending Application No. 10/525690. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims are drawn to a compound of formula VI and the co-pending claims of application '690 are also drawn to a compound of formula VI. The definitions of substituents of these two formulae overlap significantly and only vary in a few instances (i.e. the instant R6 is slightly more limited than R6 of co-pending '690). Claims 25-26 generically encompass the elected species of the instant application. Compound 44, first of claim 74 is the instantly elected species. Please note that method claims 101-153 utilize the claimed compounds and elected species and thereby also read on the instant compound claims. It would be obvious to arrive at the elected species, as it is suggested from a finite listing of possible combinations.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 21-22, 24-27, 39-43 and 45 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 43-74 of copending Application No. 11/915257. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims are drawn to a compound of formula VI and the co-pending claims of application '257 are drawn to compounds of formula I, which have a phenanthroline backbone and anticipate the compounds of instant formula IV. The definitions of substituents of the compounds of formula I completely fall within those definitions instantly presented for formula IV. The claims of application '257 recite various intended uses. However, a recitation of the intended use of a compound must result in a structural difference between the claimed invention, absent this difference, the compounds of application '257 and the instant compounds are indistinguishable. Please note that method claims 57-74 utilize the claimed compounds and thereby also read on the instant compound claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

In the response filed 11/6/2009 applicant acknowledges the double patenting rejection and states that a formal response will be filed once claims are found allowable.

Accordingly, the double patenting rejections over co-pending applications 10/525690 and 11/915257 are maintained.

Conclusion

Claims 21-22, 24-27, 39-43 and 45 are rejected. No claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kortney Klinkel whose telephone number is (571)270-5239. The examiner can normally be reached on Monday-Friday 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sharmila Landau can be reached at (571)272-0614. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Art Unit: 1611

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KLK

/Ashwin Mehta/

Primary Examiner, Technology Center 1600